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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,395	12/21/2000	Hao Hou	5019.14-1	3362
23559	7590	09/08/2004	EXAMINER	
MUNSCH, HARDT, KOPF & HARR, P.C. INTELLECTUAL PROPERTY DOCKET CLERK 1445 ROSS AVENUE, SUITE 4000 DALLAS, TX 75202-2790			ODLAND, DAVID E	
			ART UNIT	PAPER NUMBER
			2662	

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/746,395	HOU ET AL.
	Examiner David Odland	Art Unit 2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-16 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>2 &amp; 3</u> .	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: the specification discloses in many instances, such as the abstract and pages 2 and 8, that "Emi > Eni = X". This is not mathematically correct. An inequality comparison cannot be set equal to a particular value since Emi and Eni are variable. Note, the *entire* specification should be reviewed for this error and the appropriate correction is required.

### ***Claim Objections***

2. Claims 1,5,9 and 13 are objected to because of the following informalities: These claims all recite "Emi > Eni = X". This is not mathematically correct. An inequality comparison cannot be set equal to a particular value since Emi and Eni are variable. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abdollahi et al. (WO 00/39994), hereafter referred to as Abdollahi.

Referring to claims 1,5,9 and 13, Abdollahi discloses a method comprising providing a plurality of subscriber lines, Emi, coupled to the integrated access devices (a plurality of subscriber lines coupled to a plurality of access multiplexing terminals (AMTs) (see items 17,22 and 26 in figure 1)), providing a plurality of integrated access device lines, Eni, between the integrated access devices and the segment and reassembly device (a plurality of access lines are provided between the AMTs and the Central Office (CO) switch (see items 10,12,19,20,24 and 25 in figure 1)), multiplexing/concentrating the plurality of subscriber lines by the integrated access device onto the plurality of integrated access device lines (the subscriber lines are multiplexed by the AMTs into the access lines going to the CO (see figure 1)) and providing a reorder tone to any subscriber whose call is blocked (the AMTs provide reorder tones to subscribers that are blocked (see figure 1, abstract and page 2 lines 23-33)).

Abdollahi does not disclose that the local switch is a 'segment and reassembly device' (regarding claims 1 and 5) or a VoDSL device (regarding claim 9) or an AAL2 device (regarding claim 13). However, segment and reassembly devices (SARs) are part of the standardized ATM communications protocol and VoDSL and AAL2 type ATM traffic are also standardized communications protocols. Therefore, it would have been obvious to one skilled in the art at the time of the invention to implement these protocols using the local switch in Abdollahi because doing so would allow Abdollahi to conform to an already existing standards, thereby making the system more flexible and versatile.

Referring to claims 2, 8, 12 and 16 Abdollahi discloses the system discussed above. Furthermore, Abdollahi discloses providing the reorder tone at the integrated access device to the

blocked subscriber (the AMTs provide the reorder tone to the subscribers (see figure 1 and page 2 line 23-33)).

Referring to claims 3, 7, 11 and 15, Abdollahi discloses the system discussed above.

Furthermore, Abdollahi discloses multiplexing the plurality of integrated access device lines onto the plurality of channels, such that  $E_{mi} > E_{ni} > X$  (the subscriber channels are multiplexed onto the access channels by the AMTs (see figure 1)).

Referring to claims 4, 6, 10 and 14 Abdollahi discloses the system discussed above.

Abdollahi does not disclose providing the reorder tone at the segment and reassembly device or the VoDSL device or the AAL2 device to any blocked subscriber. However, It would have been obvious to one skilled in the art at the time of the invention to implement the Abdollahi system in this manner because doing so is a matter of design choice, since the applicant has not disclosed that providing the reorder tone from the segment and reassembly device or VoDSL device or AAL2 device solves any stated problem or is for any particular purpose and it appears as though the system would operate equally well whether the reorder tone is generated from the AMTs or the local switch in Abdollahi.

### ***Conclusion***

5. The following prior art, which is made of record and not relied upon, is considered pertinent to applicant's disclosure:

- a. U.S. Patent Number 3,917,908 to Galluccio.
- b. U.S. Patent Number 4,421,952 to Barnes.
- c. U.S. Patent Number 4,480,330 to Magnusson et al

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Odland whose telephone number is 703-305-3231. The examiner can normally be reached on Monday - Friday from 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached at (703) 305-4744. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

deo

August 26, 2004



JOHN PEZZLO  
PRIMARY EXAMINER